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PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q55113

Toshihiro SHIMA

Appln. No.: 09/353,383

Group Art Unit: 2624

Confirmation No.: 3442

Examiner: King Y. POON

Filed: July 15, 1999

For: PRINTING SYSTEM AND PRINTER WHICH SENDS JOB REQUESTS FOR
PRINTING

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant has received a Notification of Non-Compliant Appeal Brief dated May 16, 2006.

In the Notification, the Examiner has checked box #3, which states that at least one amendment has been filed "subsequent" to the final rejection and the brief allegedly does not contain a statement of the status of such amendment. Applicant submits that this statement is in error. At the bottom of the Notification, the Examiner refers to the November 23, 2005 Response as an "after final amendment." Applicant respectfully requests the Examiner to again review the November 23, 2005 Response. There are no claim amendments or any other type of amendment set forth therein. A statement of this fact is reflected on page 5 of the February 22,

2006 Appeal Brief. Applicant submits that such statements fully comply with the requirements of 37 C.F.R. § 41.37.

Further, the Examiner has checked box #4 on the Notification, alleging that the February 22, 2006 Appeal Brief does not contain a concise explanation of the subject matter defined in each independent claim involved in the appeal. However, as set forth on page 6 of the February 22, 2006 Appeal Brief, a concise explanation of independent claims 11 and 16 is provided, with reference to the specification. At the bottom of the Notification, the Examiner maintains that the Applicant has not referred to reference numerals 3, 3A, 7, 9, 11 and 13 of Figure 1. However, Figure 1 is discussed in the background section of the Application as “conventional” art. Thus, Applicant has not referred to the reference numerals 3, 3A, 7, 9, 11 and 13 of Figure 1 in the description of the independent claims of the present invention.

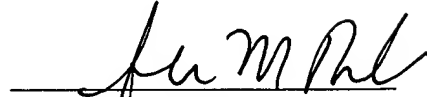
Upon further reviewing the Summary of the Claimed Subject Matter section of the Appeal Brief, however, Applicant has discovered a typographical error. In regard to claim 11, Applicant cites to reference numerals shown in at least Figure 2, but inadvertently refers to Figure 1. Applicant assumes that the Examiner’s concern of Figure 1, in the Notification, is due to Applicant’s typographical error. Accordingly, Applicant submits herewith a corrected Summary of the Claimed Subject Matter section. In view of MPEP §1205.03, Applicant submits that resubmission of the *entire* Appeal Brief is not necessary.

Although Applicant believes that no fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account

Response to Notification of Non-Compliant Appeal Brief
U.S. Application No. 09/353,383

No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Allison M. Tulino
Registration No. 48,294

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 26, 2006

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention is directed to a printer and a method of operating the printer. The features of independent claims 11 and 16 are described herein in reference to non-limiting embodiments of Appellant's specification.

Claim 11 - Claim 11 recites a printer 23 having a job request section, a printing section, a print engine and a receive buffer memory 23A. The printing section of printer 23 demands job data 35, 37 of a print job from a host computer 27, 29 having the job data. The printing section of the printer 23 receives and prints the job data 35, 37 sent from the host computer 27, 29 in response to a request from the job request section. Further, the job request section sends the job request to the host computer 27, 29 according to a condition of the print engine and the receive buffer memory 23A (See figure 2 and pg. 5, line 7 to page 6, line 3).

Claim 16 - Claim 16 recites a method of operating a printer 23. In the claimed method, job data 35, 37 of a print job is demanded from a host computer 27, 29 having the job data, the demand of the job data referred to as a job request. The printer 23 receives and prints the job data 35, 37 sent from the host computer 27, 29 in response to the job request. Further, the job request is sent to the host computer 27, 29 according to a condition of a print engine and a receive buffer memory 23A of the printer (See figure 2; pg. 5, line 7 to page 6, line 3 and pg. 7, line 17 to page 18, line 12).